

**BEFORE THE
STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS**

In the Matter of the Motor Vehicle Dealer
License of Doucas Motors, Inc.

Case No.: 95-H-890

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On January 5, 1995 the Department of Transportation filed a complaint with the Division of Hearings and Appeals seeking the suspension of the motor vehicle dealer license of Doucas Motors, Inc. Pursuant to due notice a hearing was held on March 15, 1995 in Madison, Wisconsin. Mark J. Kaiser, Administrative Law Judge, presided.

In accordance with §§227.47 and 227.53(1)(c), Stats., the parties to this proceeding are certified as follows:

Wisconsin Department of Transportation, complainant, by

Attorney Charles M. Kernats
Office of General Counsel
Wisconsin Department of Transportation
P.O. Box 7910
Madison, WI 53707-7910

Doucas Motors, Inc., respondent,

3285 S. Washburn Street
Oshkosh, WI 54904

no appearance

FINDINGS OF FACT

The respondent failed to appear at the hearing or show good cause for his failure to appear. Pursuant to §OCT 1.05(2), Wis. Adm. Code, and upon the motion of the complainant the following allegations which were contained in the complaint and were the subject of testimony provided at the hearing are found to be true:

1. Doucas Motors, Inc., is a motor vehicle dealer conducting business at 3285 S. Washburn St., Oshkosh, Wisconsin. Doucas Motors, Inc., holds motor vehicle dealer license number 49 issued by the Department of Transportation.

2. The Division of Motor Vehicles of the Department of Transportation issued an administrative subpoena to William P. Doucas, the president of Doucas Motors, Inc. The subpoena was personally served on Mr. Doucas by Phillip J. Alioto, an investigator supervisor of the Division of Motor Vehicles, on December 7, 1994. The subpoena directed Mr. Doucas to appear before Mr. Alioto at the Wisconsin State Patrol Headquarters located at 851 Rolling Meadows Drive, Fond du Lac, Wisconsin, on December 21, 1994, at 10:30 a.m., to give evidence relative to an investigation being conducted of Doucas Motors, Inc., and to bring certain documents and records for inspection and copying.
3. Neither William Doucas nor any other representative of Doucas Motors, Inc. appeared or provided any of the requested documents on December 21, 1994 as directed by the subpoena.

CONCLUSIONS OF LAW

1. The failure of William Doucas or anyone on behalf of Doucas Motors, Inc., by the administrative subpoena, is a violation of §218.01(5)(b)2, Stats.
2. Pursuant to §218.01(3)(a)4, Stats., a violation of §218.01(5)(b)2, Stats., is grounds for the suspension of a motor vehicle dealer license.
3. Pursuant to §227.43(1)(bg), Stats., the Division of Hearings and Appeals has the authority to issue the following order.

ORDER

The motor vehicle dealer license of Doucas Motors, Inc., is suspended.

Dated at Madison, Wisconsin on March 29, 1995.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
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By



Mark J. Kaiser
Administrative Law Judge